



COUNTY OF LOS ANGELES  
OFFICE OF THE COUNTY COUNSEL

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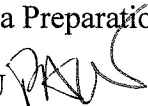
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JOHN F. KRATTLI  
County Counsel

September 4, 2013

TO: SACHI A. HAMAI  
Executive Officer  
Board of Supervisors

Attention: Agenda Preparation

FROM: PATRICK A. WU   
Senior Assistant County Counsel

RE: **Item for the Board of Supervisors' Agenda**  
**County Claims Board Recommendation**  
**Evans Tutt v. County of Los Angeles, et al.**  
**United States District Court Case No. CV 11-06126 SJO**

Attached is the Agenda entry for the Los Angeles County Claims Board's recommendation regarding the above-referenced matter. Also attached are the Case Summary and the Summary Corrective Action Plan to be made available to the public.

It is requested that this recommendation, the Case Summary and the Summary Corrective Action Plan be placed on the Board of Supervisors' agenda.

PAW:rfm

Attachments

## Board Agenda

### MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Evans Tutt v. County of Los Angeles, et al., United States District Court Case No. CV 11-06126 SJO, in the amount of \$400,000 and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Sheriff's Department's budget.

This lawsuit concerns allegations of excessive force and federal and State civil rights violations.

## **CASE SUMMARY**

### **INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION**

CASE NAME	Evans Tutt v. County of Los Angeles, et al.
CASE NUMBER	CV 11-06126 SJO
COURT	United States District Court
DATE FILED	Complaint filed: July 25, 2011 Claim: January 6, 2010
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 400,000
ATTORNEY FOR PLAINTIFF	Michael Seplow, Esq. Schonbrun Desimone Seplow Harris & Hoffman, LLP  John Raphling, Esq. Law Offices of John Raphling
COUNTY COUNSEL ATTORNEY	Jennifer A.D. Lehman
NATURE OF CASE	This is a recommendation to settle for \$400,000, the lawsuit filed by Plaintiff Evans Tutt against the County, Sheriff Baca and six Sheriff's Deputies alleging federal and State civil rights violations, assault, battery, negligence and negligent hiring and training during an incident involving a routine search at Men's Central Jail.

Mr. Tutt alleges that Deputies, without probable cause, used excessive force against him.

The Deputies contend that they acted reasonably under the circumstances in light of Mr. Tutt's assaultive behavior; however, because of the potential for high exposure, and the uncertainties of litigation, a full and final settlement of the case in the amount of \$400,000 is recommended.

PAID ATTORNEY FEES, TO DATE	\$	210,555
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PAID COSTS, TO DATE	\$	30,675
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Case Name: Evans Tutt v. County of Los Angeles, et al.



## Summary Corrective Action Plan

The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Date of Incident/event:	Sunday, July 26, 2009, approximately 7:25 p.m.
Briefly provide a description of the incident/event:	<p><b><u>Evans Tutt v. County of Los Angeles, et al.</u></b> Summary Corrective Action Plan No. 2013-014</p> <p>On Sunday, July 26, 2009, at approximately 7:25 p.m., the plaintiff returned to his jail housing area from the jail visiting room. A deputy sheriff began a standard cursory search of the plaintiff before the plaintiff could be readmitted to his housing area. The plaintiff, without warning or provocation, initiated a violent altercation by attacking the deputy sheriff with his left elbow.</p> <p>The deputy sheriff reacted by deploying a TASER weapon. Three additional deputy sheriffs arrived and the plaintiff was subsequently restrained and ultimately handcuffed.</p>

1. Briefly describe the root cause(s) of the claim/lawsuit:

In his lawsuit, the plaintiff alleged he was subjected to unreasonable force by members of the Los Angeles County Sheriff's Department.

2. Briefly describe recommended corrective actions:  
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

The Los Angeles County Sheriff's Department had relevant policies and procedures/protocols in effect at the time of the incident.

The Los Angeles County Sheriff's Department's training curriculum addresses the circumstances which occurred in the incident.

This incident was thoroughly reviewed by representatives from the Los Angeles County Sheriff's Department's Men's Central Jail. Their review found that the physical force used by the deputy sheriffs to overcome the resistance offered by the plaintiff was reasonable, necessary, and in compliance with Department policy.

The incident also was reviewed by representatives from the Los Angeles County Sheriff's Department's Internal Affairs Bureau. No systemic issues were identified, and no employee misconduct is suspected. Consequently, no personnel-related administrative action was taken and no other corrective action measures are recommended nor contemplated.


County of Los Angeles  
Summary Corrective Action Plan

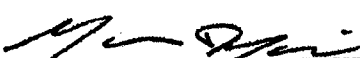
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3. Are the corrective actions addressing department-wide system issues?

- ☐ Yes – The corrective actions address department-wide system issues.  
☒ No – The corrective actions are only applicable to the affected parties.

Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator)  Shaun J. Mathers, Captain Risk Management Bureau	
Signature: 	Date: 6/26/13

Name: (Department Head)  Glen Dragovich, Division Director Administrative and Training Division	
Signature: 	Date: 6/28/13

<b>Chief Executive Office Risk Management Inspector General USE ONLY</b>	
Are the corrective actions applicable to other departments within the County?	
<input type="checkbox"/> Yes, the corrective actions potentially have County-wide applicability. <input checked="" type="checkbox"/> No, the corrective actions are applicable only to this department.	
Name: (Risk Management Inspector General)  LEO COSTANTINO	
Signature: 	Date: 7/30/13